

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 8, and 15 have been amended to fix minor antecedent basis problems and present the claims in better form for allowance and for possible consideration on appeal. Applicant respectfully requests the Examiner to accept the proposed amendments. No claims have been added or cancelled. Therefore, claims 1-5, 7-11, 14-18 and 21 presented for examination.

### 35 U.S.C. § 103 Rejections

Claims 1-5, 7-11, 14-18 and 21 stand rejected under 35 U.S.C. §103(a) as being anticipated by in view of U.S. Pat. Pub. No. 2002/0059535 of Bekritsky, et al. (hereafter **Bekritsky**) in view of U.S. Pat. No. 6,591,370 of Lovett, et al. (hereafter **Lovett**). The Applicant respectfully disagrees with the Examiner's characterization of **Bekritsky** and **Lovett** and points out several distinctions between the claimed subject matter and the teachings of **Bekritsky** and **Lovett**.

As presently understood by the Applicant, **Bekritsky** generally relates to synchronizing internal clocks of receiving stations of a locating system. (Abstract; [0006]) A beacon transmits reference data packets at a known position. A first arrival time is compared to a second arrival time to determine a correlated arrival time data. ([0006]) The difference in time of arrival of the packet at any two of the receivers allows computation of a unique hyperbola in space, along which the mobile device is located. By considering the difference in arrival time of the packet at an addition pair of two receivers, a second hyperbola in space can be computed, along which the mobile unit is located. The intersection of the two hyperbolas so defined determines the exact location

of the mobile devices. An important feature of hyperbolic trilateration is that only the relative time of arrival of the packet at each pair of receiving stations needs to be known, and not the absolute time of arrival, or the actual time when the packets are received.

([0013])

As presently understood by the Applicant, Lovett generally relates to a multimode multiprocessor computer system with distributed local clocks wherein a local clock may be synchronized with other clocks in the system without affecting the operation of the other clocks. A local clock to be synchronized is reset and counts an elapsed time since the reset. Simultaneously with resetting the local clock, a clock value from a clock on a source node is copied to the node to be synchronized and added to the elapsed time. The resulting summation is then stored in the local clock to be synchronized. As a result the local clock is synchronized to the clock on the source node. The synchronization may occur while nodes are fully operational without resetting, stopping, or affecting the local clocks on the fully operational nodes. This synchronization allows for dynamic partitioning wherein processor resources may be modified during operation of the computer system. (Abstract; [col. 1, ll. 65-67] – [col. 2, ll. 1-9])

In order to establish a *prima facie* case of obviousness there must first be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.**” (Emphasis added). *In re Vaech*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Manual of Patent Examining Procedure (MPEP), 8<sup>th</sup> Edition, Revision

2, May 2004, §2143. Applicants submit that Bekritsky and Lovett fail to teach or reasonably suggest all the claim limitations either separately or in combination.

With regard to Claim 1, claim 1 recites:

A method comprising:  
recording a first node local time of receiving a wirelessly transmitted packet at a first node, the first node local time recorded with a monotonically increasing clock of the first node;  
recording a second node local time of receiving the wirelessly transmitted packet at a second node, the second node local time recorded with a monotonically increasing clock of the second node;  
**wirelessly transmitting the first node recorded local time by the first node to at least the second node;**  
**receiving the first node recorded local time at the second node and recording the first node local time of receiving the wirelessly transmitted packet;** and  
synchronizing a second node timing model with a first node timing model, and further synchronizing the first and second node timing models with a global clock associated with the first node and the second node.  
(Emphasis Added)

Claim 1 expressly recites the following: 1) “wirelessly transmitting the first node recorded local time...**to at least the second node;**” and 2) “receiving the first node recorded local time at **the second node.**...” (Emphasis Added) The Examiner argues that these elements are implicitly taught by Bekritsky in paragraph [0006] by the statement “A first arrival time is compared to a second arrival time to determine a correlated arrive time data” and paragraph [0019] by “the TDOA between two receivers A and B...is computed by subtracting the timestamp from the clock of station B from the timestamp of the clock of station A.” At best, Bekritsky discloses computing the TDOA between the two receivers. The Applicant can find no disclosure, teaching or reasonably suggestion of “**wirelessly transmitting the first node recorded local time ... to at least the second**

node or “receiving the first node recorded local time at the second node” as expressly recited by claim 1. The Examiner simply states that these expressly recited elements are implicit. The Applicant disagrees and believes that Bekritsky fails to disclose, teach, or reasonably suggest at least these elements of claim 1.

Furthermore, Lovett does not remedy the deficiency of Bekritsky with respect to these elements. As such, the combination of Bekritsky and Lovett fails to teach or reasonably suggest all the claim limitations either separately or in combination.

Therefore, claim 1 is distinguishable over Bekritsky and Lovett for at least this reason.

The Examiner admits on page 6 of the Office action admits that Bekritsky does not explicitly teach of further synchronizing the first and second node *timing models* with a *global clock* associated with the first node and the second node. The Examiner alleges that Lovett teaches synchronizing the first and second node timing models with a global clock associated with the first node and the second node. However, the Examiner provides no specific reference within Lovett. At least as described above, Lovett teaches that a local clock is synchronized to a clock on a source node.

First, the Applicant can find no teaching, disclosure, or reasonable suggestion, and the Examiner has provided no citation, in Lovett of *node timing models*. Second, the Applicant can find no teaching, disclosure, or reasonable suggestion in Lovett of synchronizing node timing models with a global clock associated with the first and second node as recited in claim 1.

Lovett does suggest in col. 2, lines 63-67 that the local clocks are controlled by a central system oscillator, which allows the local clock to stay in lock step with each other after being synchronized. However, using a central oscillator to allow the clocks to stay

in lock step with each other is **not the same** as further synchronizing the first and second node *timing models* with a global clock associated with the first and second node.

Consequently, even if the references are combined, the invention as recited by claim 1 is not taught for at least these reasons.

Not only does the combination of Bekritsky with Lovett not result in the invention as recited by claim 1, but the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. See MPEP 2143.01. The Office asserts on page 4 of the Office action that Lovett provides motivation to combine the references. Particularly, the Office uses as its motivation to combine the references that “it is often desirable to dynamically add a node or modify a partition after the local clocks are reset” and would not be “acceptable to reset the local clock in nodes that are already running.” However, this makes no sense in the context of Bekritsky which uses ***fixed*** receivers at known locations to perform hyperbolic trilateration. There is no reason to dynamically adjust the receivers in Bekritsky. The Examiner is using impermissible hindsight to try and piece together elements of the claimed invention. Consequently, claim 1 is distinguishable over the combination of Bekritsky with Lovett for at least the reason that there is no motivation to combine the references.

None of the references cited by the Office provide motivation for at least the combination of Bekritsky with Lovett. For that matter, the references generally ***teach away*** from the combination asserted by the Examiner. Specifically, even if Lovett taught the use of a global clock, which the Applicant denies, Bekritsky teaches that there is **no need for synchronization to a global clock**. Specifically, the clock of one of the receiving stations is used as a reference clock, and all the other clocks of the other

receiving station are corrected to match the frequency and start time of the reference clock. Moreover, the reference clock maybe chosen arbitrarily among the receiving station, since only relative times of arrival of data packets are important, not the absolute times. ([0021]) As such, not only is there no need for a synchronization to a global clock, Bekritsky generally teaches away, since the clock may be arbitrarily chosen, from the modification asserted by the Examiner. Consequently, for at least this reason, claim 1 is distinguishable over the combination of Bekritsky with Lovett.

Claims 8 and 15 include limitations similar to those of claim 1. As such, claims 8 and 15 are distinguishable over the references cited by the Examiner for at least the same reasons as given for claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 8 and 15 and their dependent claims.

With regard to claim 3, claim 3 recites:

The method of claim 1, further including:  
synchronizing sample numbers of a multimedia stream on the second node with the second node timing model, the second node timing model having been synchronized with the first node.

In particular, claim 3 expressly recites “synchronizing sample numbers of a multimedia stream on the second node with the second node timing model.” The Examiner states that this is taught by paragraph [0021] of Bekritsky. This paragraph states:

If the clocks from the pairs of receiving stations A and B were perfectly synchronized, the slopes  $m$  would always equal 1, and the intercept  $b$  would always equal 0. In practice, the slopes and intercepts are continuously computed and updated according to the exemplary embodiment of the present invention. In this embodiment, the clock of one of the receiving stations is used as a reference clock, and all the clocks of the other receiving stations are corrected to match the frequency and start time of the reference clock. The reference clock according to the

embodiment of the present invention may be chosen arbitrarily among the receiving stations, since only the relative times of arrival of data packets are important, not the absolute times.

The Applicant can find no disclosure, teaching, or reasonable suggestion of “synchronizing sample numbers of a multimedia stream on the second node with the second node timing model” in this section or in any other section of Bekritsky.

Consequently, claim 3 and its dependent claims are distinguishable over Bekritsky for at least this reason.

Claims 10 and 17 also include a similar limitation as claim 3. As such, claims 10, 17 and their respective dependent claims are distinguishable over Bekritsky for at least the same reason as given for claim 3.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: July 19, 2006

  
\_\_\_\_\_  
Aslam A. Jaffery  
Reg. No. 51,841

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1030  
(303) 740-1980